

State v. Williams

Case Number

A-17-0877

Court Number

Douglas

Call Date

September 13, 2018

Case Time

1:30 PM

Case Audio

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Case Summary**A-17-0877, State of Nebraska v. Andrew D. Williams (Appellant)**

Douglas County, District Court Judge Duane C. Dougherty

Attorney for Appellant: Bell Island (Island Law Office)

Attorney for Appellee: Douglas J. Peterson, Austin N. Relph (Attorney General's Office)

Criminal Action: Two Counts of Driving Under the Influence Causing Serious Bodily Injury

Action Taken by Trial Court: A jury found Appellant guilty of both counts of the charged offense. The district court then sentenced Appellant to an aggregate term of five years' imprisonment, 18 months' post-release supervision, and six years' driver's license suspension.

Assignments of Error on Appeal: Appellant alleges that the district court erred in its rulings regarding evidentiary issues, excusing a prospective juror for cause, and denying pretrial motions to suppress.

Extended Case Summary**A-17-0877, State of Nebraska v. Andrew D. Williams (Appellant)**

Original Trial Court: Douglas County, District Court Judge Duane C. Dougherty

Attorney for Andrew D. Williams (Appellant): Bell Island (Island Law Office)

Attorney for the State (Appellee): Douglas J. Peterson, Austin N. Relph (Attorney General's Office)

Background: The State charged Andrew Williams with two counts of driving under the influence causing serious bodily injury. The charges stem from a motor vehicle accident that occurred on the evening of February 26, 2016. The State alleged that Williams was driving a pickup truck that collided with a sedan near the intersection of 52nd and Blondo Streets in Omaha, Nebraska, and seriously injured two passengers of the sedan while his blood alcohol content was above the legal limit. Police officers who responded to the scene observed a

pickup truck on its side about a block away from a car that was engulfed in flames and nearly split in half. They also observed several unopened beer cans and ice in the road along with coolers in the back of the pickup truck.

Officers identified Williams based on witness accounts of the accident, handcuffed him, and placed him in the back of their police cruiser. Prior to receiving a *Miranda* warning, officers asked Williams a few questions, including whether he was driving the pickup truck and whether he had been drinking earlier. Williams responded affirmatively to both questions. A breath test later administered at police headquarters revealed his BAC to be .134. After administering a *Miranda* warning, officers asked Williams a few more questions.

One of the sedan's passengers suffered second-degree burns to her face and hands, a lung contusion, a small collapse of her lung, multiple broken ribs, and a ruptured spleen. Another passenger sustained a cervical spine fracture, which was near his lower neck or upper back, and the sedan's third occupant suffered a concussion and a bone dent to his right femur.

Before trial, the district court ordered Williams to make general disclosures regarding an expert witness, Dr. Robert Belloto, Jr., pursuant to an existing mutual reciprocal discovery order. Also before trial, during voir dire, the district court denied Williams's motion to strike a prospective juror for cause because he was familiar with the case's basic facts. During trial, the district court admitted over hearsay objection certain exhibits that showed the State's accident reconstructionist's calculations and the data on which his calculations relied. Similarly, the district court admitted over hearsay objection a recorded phone call Williams made from police headquarters on the evening of the accident. Evidence of Williams's arrest and statements surrounding his arrest was presented to the jury. The district court denied Williams's motion to suppress his arrest for lack of probable cause and motions to suppress statements Williams made both before and after being administered a *Miranda* warning.

A jury found Williams guilty of both counts of the charged offense. The district court then sentenced Williams to an aggregate term of five years' imprisonment, 18 months' post-release supervision, and six years' driver's license suspension. Williams appeals from his convictions. In his appeal, Williams argued the court erred in the following ways:

1. ordering him to disclose the opinions, facts, and data of Dr. Belloto, an expert witness;
2. admitting the opinions and summaries of a State's expert over objection;
3. admitting jailhouse phone calls over objection;
4. not striking a prospective juror for cause;
5. finding there was probable cause to arrest him at the accident scene and not suppressing the arrest;
6. not suppressing statements he made before receiving a *Miranda* warning; and
- 7.

not suppressing statements he made at the jail after receiving a *Miranda* warning.

Case Location

York College

Court Type

District Court

Schedule Code

A2

Panel Text

Moore, Chief Judge, Bishop, and Arterburn, Judges
